

Panaji, 17th December, 1990 (Agrahayana 26, 1912)

SERIES I No. 37

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

10-6-90/LA(I)

The following proclamation which has been received from Government of India, Ministry of Home Affairs, New Delhi is hereby re-published for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th December, 1990.

Proclamation

G. S. R. No. 949 (E) — Whereas, I, R. Venkataraman, President of India, have received a report from the Governor of the State of Goa and after considering the report and other information received by me, I am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as "the Constitution");

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby proclaim that I—

(a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State;

(b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and

(c) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this Proclamation, namely:—

(i) in the exercise of the functions and powers assumed to myself by virtue of

clause (a) of this Proclamation as aforesaid, it shall be lawful for me as President of India to act to such extent as I think fit through the Governor of the said State;

(ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended, namely:—

so much of the proviso to article 3 as relates to the reference by the President to the Legislature of the State;

so much of clause (2) of article 151 as relates to the laying before the Legislature of the State of the report submitted to the Governor by the Comptroller and Auditor-General of India;

articles 163 and 164;

so much of clause (3) of article 166 as relates to the allocation among the Ministers of the business of the Government of the State;

articles 167 and 169;

clause (1) of article 174; articles 175, 176 and 177;

clause (c) of article 179 and the first proviso thereto;

articles 181, 188, 189, 193, 194, 196 and 198;

clauses (3) and (4) of article 199;

articles 208 to 211 (both inclusive);

the proviso to clause (1) and the proviso to clause (3) of article 213; and

so much of clause (2) of article 323 as relates to the laying of the report with a memorandum before the Legislature of the State;

(iii) any reference in the Constitution to the Governor shall, in relation to the said State, be construed as a reference to the President, and any reference therein to the Legislature of the State or the Houses thereof, shall, in so far as it relates to the functions and powers thereof, be construed,

unless the context otherwise requires, as a reference to Parliament, and in particular, references in article 213 to the Governor and the Legislature of the State or the Houses thereof, shall be construed as references to the President and to Parliament or the Houses thereof respectively:

Provided that nothing herein shall affect the provisions of article 153, articles 155 to 159 (both inclusive), article 299 and article 361 and paragraphs 1 to 4 (both inclusive) of the Second Schedule or prevent the President from acting under sub-clause (i) of this clause to such extent as he thinks fit through the Governor of the said State;

- (iv) any reference in the Constitution to Acts or laws of or made by the Legislature of the State shall be construed as including a reference to Acts or laws made, in exer-

cise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution, and the Goa, Daman and Diu General Clauses Act, 1965 (No. 7 of 1965) as in force on the State of Goa, and so much of the General Clauses Act, 1897 (10 of 1897), as applies to State laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

New Delhi.

(R. VENKATARAMAN)

Dated: 14-12-1990.

PRESIDENT

(No. V/11013/12/90-CSR)